



City of Albuquerque

Legislative File Number O-06-31 (version 2)

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

Approving the Del Rey Metropolitan Redevelopment Plan (Winter, by request)

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

APPROVING THE DEL REY METROPOLITAN REDEVELOPMENT PLAN.

WHEREAS, the New Mexico Legislature has passed the Metropolitan Redevelopment Code (herein “Code”), Sections 3-60A-1 to 3-60A-48 NMSA 1978, which authorizes the City of Albuquerque, New Mexico (“City”) to prepare metropolitan redevelopment plans and to undertake and carry out metropolitan redevelopment projects; and

WHEREAS, the City Council, the governing body of the City (“City Council”), after notice and a public hearing as required by Code, has duly passed and adopted Council Bill No. O-05-147, Enactment No. O-2005-069, finding, among other things, that one or more slum areas or blighted areas exist in the City and that the rehabilitation, conservation, development, and redevelopment of the area designated as the Del Rey MRA is necessary in the interest of the public health, safety, morals and welfare of the residents of the City; and

WHEREAS, the City, the Developer, Centex, and the remaining residents of the Del Rey Metropolitan Redevelopment Area have met numerous times and come to an agreement on the future development of the Area; and

WHEREAS, the Albuquerque Development Commission (“Commission”), which acts as the Metropolitan Redevelopment Commission under provisions

of Sections 14-8-4-1 et seq., R.O.A. 1994, at their meeting on May 18, 2006, after notice, conducted a public hearing on the Plan and after the public hearing, recommended approval of the Del Rey Metropolitan Redevelopment Plan ("Plan"); and

WHEREAS, the City Council, after notice, has conducted a public hearing pursuant to Subsection 3-60A-8(B) of the Code, after proper notice as required by such subsection; and

WHEREAS, the Plan will promote the local health, general welfare, safety, convenience and prosperity of the inhabitants of the City.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. The City Council, after having conducted a public hearing pursuant to the Code, adopts the Del Rey Metropolitan Redevelopment Plan, as attached hereto and incorporated herein.

SECTION 2. The City Council, after having conducted a public hearing pursuant to the Code, finds that:

A. The Plan proposes activities for the redevelopment of the Del Rey MRA that will aid in the elimination and prevention of slum and blight or conditions, which lead to the development of slum and blight; and

B. The Plan does require the relocation of any families and individuals from their dwellings and a method for providing relocation assistance is included in the plan; and

C. The Plan conforms to and complements the Albuquerque/Bernalillo County Comprehensive Plan; and

D. The Plan affords maximum opportunity consistent with the needs of the community for the rehabilitation or redevelopment of the Del Rey MRA by private enterprise or persons, and the objectives of the Plan justify the proposed activities as public purposes and needs.

SECTION 3. This Plan is approved with the following conditions. These changes shall be made to the Del Rey Metropolitan Redevelopment Project

Plan as the version of the Plan adopted by the City of Albuquerque.

A. A minimum of forty-nine (49) mobile home lots shall be made available to households as provided below (2 @ 55' x 106' and 47 @ 50' x 106') on the same terms as contained in Section 7. "Relocation of Existing Park Residents" of the Metropolitan Redevelopment Plan. The priority order of clients for making these parcels available is as follows, in order: (1) existing Del Rey mobile home park residents, (2) former Del Rey mobile home park residents, (3) low income households. Other provisions of the Del Rey Metropolitan Redevelopment Project Plan shall be changed to be consistent with this requirement.

B. The redevelopment of the entire parcel shall not include a wall along the Santa Monica Ave border of the property.

C. The "Centex Letter of Intent Concerning Del Rey", dated April 6, 2006, shall be removed from the Del Rey Metropolitan Redevelopment Project Plan.

D. A binding agreement between the City of Albuquerque and Centex Homes shall be included as an approved amendment to the Metropolitan Redevelopment Plan. This Metropolitan Redevelopment Plan shall not be considered final until such agreement is executed. City Council shall be a party to this agreement and Council approval is delegated to the Council president. This agreement shall be concluded on or before June 30, 2006.

E. Centex Homes shall provide a higher level of project amenities within the redevelopment plan for the mobile home portion of the site including, but not limited to, a landscaped common area(s) for residents of the mobile home lots.

SECTION 4. All resolutions and ordinances, or parts thereof, in conflict with this ordinance are hereby repealed; this repealer shall not be construed to revive any resolution and or ordinance, or part thereof, heretofore repealed.

SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or

unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.

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